

### **III. REMARKS**

#### **Claim Status**

Claims 1-39 are pending in this action. Claims 1-39 stand subject to a restriction requirement.

#### **Election/Restriction**

The examiner has required restriction under 35 USC 121 and 372 among the following three groups:

Group I – claims 1-36 drawn to a pharmaceutical salt of a pharmaceutically active compound.

Group II – claim 37 [sic] drawn to the use of at least one pharmaceutical claimed in claim 6 for the production of a medicament for the control of pain.

Group III drawn to the use of at least one pharmaceutical of claim 9 for the production of a medicament for the treatment of urinary incontinence.

Applicant believes the examiner has inadvertently misnumbered the claim reference in Group II and believes it refers to claim 38 instead of claim 37.

Applicant elects Group I with the understanding that the group encompasses claim 1-37.

The examiner has identified several species among those claims and has required election among the identified species. With regard to the grouping identified by the examiner, applicant elects the species relating to formula I, claims 9-12. Applicant further elects the specific compound identified in claim 12, first compound: (1RS,2RS)-3-(3-dimethylamino-1-hydroxy-1,2-dimethylpropyl)phenol.

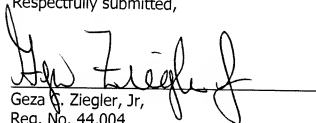
Applicant has amended non-elected claims 38 and 39 to conform to US practice as method of use claims so that upon allowance of the compound claims, such use claims may be rejoined and prosecuted in the present application.

***Conclusion***

It is respectfully submitted that all of the claims present in the application are novel and patentable, and are in proper form for allowance. Accordingly, favorable consideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,




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6 Nov 2006  
Date

### **CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being transmitted electronically, on the date indicated below, addressed to the Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 6 November 2006

Signature: 

Lisa Shimizu

Person Making Deposit